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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,810

03/25/2004

Lewis Howard Wizig

R135 1010.2

7588

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10/16/2009

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

ATTN: PATENT DOCKETING

P.O. BOX 7037

ATLANTA, GA 30357-0037

EXAMINER

PORTER, RACHEL L

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

10/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,810	Applicant(s) WIZIG, LEWIS HOWARD	
	Examiner RACHEL L. PORTER	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-69, 74-93, 98-117 and 122-124 is/are rejected.
- 7) ☒ Claim(s) 70-73, 94-97 and 118-121 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to the applicant

1. This communication is in response to the amendment filed 7/23/09. Claims 53-124 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/09 has been entered.

Allowable Subject Matter

3. Claims 70-73, 94-97 and 118-121 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 53-67, 74-91, 98-115 and 122-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawil (US Patent No. 5,519,607) in view of Campbell et al (USPN 6,208,974—referred to hereinafter as Campbell) and in further view of Joao (US 2008/0040149)

[claim 53] Tawil teaches a method for providing a user with a customized healthcare services insurance package, comprising:

- receiving personal information data, wherein personal data comprises a user identifier and a financial parameter; (col. 2, lines 53-56; col. 3, lines 55-59)
- transmitting a list comprising a plurality of healthcare service providers to the user; (col. 2, lines 53-59, col. 4, lines 55-58)
- receiving a selection of a healthcare services panel from the user comprising at least one of the healthcare service providers; (col. 4, lines 55-67; col. 5, lines 16-22)

Tawil teaches a method wherein personal data about a patient (a user of the disclosed system) is entered into the disclosed system. (col. 3, lines 55-59) Data includes patient name and social security number (personal identifiers). Furthermore,

the system stores data on the amount of benefits or a fixed amount the patient can/will spend on healthcare (i.e. financial parameter). (col. 2, lines 53-56) The disclosed system provides the user with a list of healthcare providers (col. 2, lines 57-59, col. 4, lines 55-58). The patient (user of the disclosed system) selects a healthcare provider (i.e. panel) to provide a prescribed treatment plan (i.e. healthcare services package).

Tawil teaches a method including determining a healthcare services package (see Tawil col. 4, lines 55-64; col. 5, lines 16-22), but does not expressly teach using a computer system to determine the healthcare services package based upon a financial parameter and forwarding a description of the package that includes a proposed periodic payment for purchasing the healthcare insurance package.

Campbell teaches a method of further comprising the steps of:

- using a computer to system determining a healthcare services package based on the user's selection and a financial parameter (col. 21, lines 22-29; col. 24, lines 1-55; col. 27, lines 1-49: A computer system is used to enter the client's (i.e. users) selection of a wellness plan (i.e. healthcare services package), to inform the client of the services covered under a particular wellness plan and to inform the client/user of the estimated cost savings under a particular wellness plan.

The determined wellness plan (i.e. health care services package) is based on the user/client's selections and the estimated costs/cost savings for services under the plan (i.e. a financial parameter)).

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- forwarding a description of the determined healthcare services package to the user, said description including a proposed periodic payment for purchasing said determined healthcare services package. (Figures 15, 19 and 20; col. 24, lines 24-67; col. 27, line 23-50 —The system generates a list of the services included in the client's (i.e. user) wellness plans and a corresponding invoice, and also allows the client to select a propose payment schedule for purchasing the selected services (i.e. full payment or installments).

At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of Campbell to use a computer to facilitate the plan selection process and to transmit plan service and payment information to the user. As suggested by Campbell, one would have been motivated to do this to provide patients with an interactive, effective method of obtaining affordable healthcare treatment, thereby encouraging them to seek appropriate treatment and resolve health problems early. (col. 1, lines 11-65)

Claim 53 has been amended to recite "receiving a selection of a healthcare services panel comprising at least one of the healthcare service providers and a user-defined co-pay amount selected from a provider co-pay range". Tawil discloses receiving a selection of a healthcare services panel from the user comprising at least one of the healthcare service providers; (col. 4, lines 55-67; col. 5, lines 16-22), but does not expressly disclose receiving receiving both a selection of healthcare services package and a user-defined copay amount.

Joao discloses a system and method wherein a patient/employee may select a primary healthcare provider (par. 183-184) and may select (increase, upgrade or decrease) healthcare benefit copayments and deductibles (par. 198-199). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system and method of Tawil and Campbell in combination to allow the user to alter the amount of copay or deductible he/she is willing to pay as well as the user's healthcare package. As suggested by Joao, one would have been motivated to include this feature because allowing employees to purchase enhanced or upgraded benefits, downgrade benefits, and/or exchange benefits for other benefits, allows the employee to custom tailor benefits packages to fit their needs. (par. 32)

[claim 54] Tawil teaches the method wherein the user is an individual for whom the insurance is to be provided. (col. 2, line 30-44; col. 4, lines 55-67)

[claim 55] Tawil discloses a method wherein the personal information data further comprises a sponsor identifier. (Tawil, col. 2, lines 30- col. 3, line 8).

[claim 56-57] Tawil teaches the method of claims 54-55 as explained in the rejections of claims 54-55. The Tawil reference is does not specifically teach the sponsor identifier includes an employer of the user/patient and that the financial parameter includes the amount of healthcare benefits available from the employer. However, as defined by

Tawil, the “insurer” in as an entity that insures several parties a processes the claims for these parties.

However, these differences are only found in nonfunctional description material and are not functionally involved in the steps recited. The steps recited in claim 53(the base claim) would be performed the same regardless of the data contents of the sponsor identifier data (i.e. the data recited in claims 53 and 54). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gluck*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

[claim 58] Tawil discloses a method wherein the sponsor identifier includes a healthcare administration company associated with the user. (Tawil, col. 2, lines 30- col. 3, line 8).

[claim 59] Tawil discloses a method wherein the financial parameter comprises an amount of healthcare benefits available from the healthcare administration company associated with the user, (Tawil, col. 2, lines 55-59; col. 3, lines 4-8—fixed benefit amount).

[claim 60] Tawil discloses a method wherein the sponsor identifier identifies the user. (Tawil, col. 2, lines 30- col. 3, line 8; col. 3, lines 50-65).

[claim 61] Tawil discloses a method wherein the financial parameter comprises an amount of healthcare costs identified by the user, (Tawil, col. 8, lines 24-26) (payment/cost).

[claim 62] Tawil teaches a method wherein the personal data comprises a financial parameter. (col. 2, lines 53-56) Furthermore, Tawil teaches a method wherein the user (i.e. insured and/or insured patient) is seeking price estimates for the cost of healthcare services. (col. 3, lines 57-63) One of the primary purposes of the system and method taught by Tawil is to provide the user with a list of estimated costs of healthcare using specific providers. (col. 4, 55-64)

[claims 63-64] Tawil teaches a method further comprising using a computer system to receive the selection of an anchor provider by a user and wherein a list of providers is provided to the system user (i.e. insured and/or insured patient) based on a selected anchor provider. (col. 3, lines 50-65) A patient (a user of the disclosed system) visits a selected primary physician (i.e. anchor provider) who gives them an initial diagnosis and/or treatment plan. Information regarding the primary physician (his/her identification) and the suggested user's treatment plan are entered into the system. (col. 3, lines 55-64) Thus, system receives a selection by the user (insured and/or insured patient) of an anchor provider. Based on the treatment plan developed by the primary physician (anchor provider), a list of healthcare providers is generated who can perform the procedures in the treatment plan. (col. 4, lines 21-32) This list is given to the patient (i.e. user) for his/her review. (col. 4, lines 55-58). Furthermore, the treatment plan developed by the anchor provider with suggested procedures and CPT codes is used to generate the provider list. These procedures/diagnoses serve as a predefined criteria associated anchor provider upon which the generated provider list is based.

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[claim 65] Tawil teaches the method of providing a healthcare services package further comprising using said computer system to receive a selection of a predefined criteria from the user. (col. 2, lines 53-59; col. 3, lines 3-8; col. 3, lines 23-44; col. 4, lines 21-32) Tawil discloses that teaches that the system database(s) stores information regarding prices, geographic proximity (location), rankings/ratings, hospital affiliation, and provider experience (i.e. time). (col. 2, lines 53-59; col. 3, lines 3-8).

[claim 66-67] Tawil discloses a method further comprising the step of receiving a selection of a predefined criteria from the user wherein the list is provided to the user based on the predefined criteria, (Tawil, col. 2, lines 53-59; col. 3, lines 3-8; col. 4, lines 28-32). Tawil teaches that the information on the database (i.e. the provider list) may be accessed based on the providers' geographic proximity (location/distance) to the user (i.e. insured/ or insured patient) and based upon the CPT and DRG codes entered for the user's treatment plan (i.e. predefined criteria)

[claim 74] Tawil discloses a method wherein the financial parameter comprises a co-payment amount for each selected provider (Tawil, col. 8, lines 24-26)(disclosing payment which is a financial parameter that includes cost).

[claim 75] Tawil and Campbell disclose the method of claim 53, as explained in the rejection of claim 53. Furthermore, Campbell discloses a method wherein forwarding comprises forwarding information to the user (col. 24, lines 24-67; col. 27, line 23-50). At

the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of Campbell to use a computer to facilitate the plan selection process and to transmit plan service information to the user. As suggested by Campbell, one would have been motivated to do this to provide patients with an interactive, effective method of obtaining affordable healthcare treatment, thereby encouraging them to seek appropriate treatment and resolve health problems early. (col. 1, lines 11-65)

[claim 76] Tawil and Campbell in combination disclose the method of claim 53, as explained in the rejection of claim 53. Furthermore, Tawil discloses teaches a method for providing a user with a healthcare service package, comprising receiving personal information data, wherein personal data comprises a user identifier and a financial parameter; (col. 2, lines 53-56; col. 3, lines 55-59). Tawil further discloses receiving co-payment information regarding a healthcare provider (col. 8, lines 12-23) Tawil teaches a method including determining a healthcare services package (see Tawil col. 4, lines 55-64; col. 5, lines 16-22), but does not expressly teach receiving a selection from said user of a co-payment for each of healthcare service providers, wherein said healthcare services insurance package and said proposed periodic is determined based upon the selected co-payment.

Campbell discloses a method wherein co-payment information for a healthcare provider is used to help the user select/determine the insurance package and proposed periodic payment. (col. 23, lines 43-col. 25, line 24; Figures 17-19--different plans offer

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different discounts/copays for the services) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of Campbell to use co-payment information to help the user select/determine the insurance package and proposed periodic payment. As suggested by Campbell, one would have been motivated to do this to provide patients with an interactive, effective method of obtaining affordable healthcare treatment, thereby encouraging them to seek appropriate treatment and resolve health problems early. (col. 1, lines 11-65)

[claim 77] Tawil discloses a computerized system for providing a user with a customized healthcare services insurance package, comprising: a memory device; (Figure) and a processor disposed in communication with said memory device, (Figure 1; col. 2, line 45-col. 3, line 43; col. 4, lines 35-41).

The limitations of claim 77 are addressed by rejection of claim 53, and incorporated herein. Claim 77 recites a processor configured to perform the series of steps recited in claim 53. As the method of claim 53 has been shown to be computer-implemented and obvious over the teachings of the Tawil reference in view of Campbell in the rejection of claim 53 in present Office Action, it is readily apparent that the method disclosed by Tawil and Campbell in combination is performed by a system configured to perform the functions recited in the method claim.

[claim 78] Tawil teaches the system wherein the user is an individual for whom the insurance is to be provided. (col. 2, line 30-44; col. 4, lines 55-67)

[claim 79] Tawil discloses a system wherein the personal information data further comprises a sponsor identifier. (Tawil, col. 2, lines 30- col. 3, line 8).

[claim 80-81] Tawil teaches the system of claims 78-79 as explained in the rejections of claims 78-79. The Tawil reference is does not specifically teach the sponsor identifier includes an employer of the user/patient and that the financial parameter includes the amount of healthcare benefits available from the employer. However, as defined by Tawil, the “insurer” in as an entity that insures several parties a processes the claims for these parties.

However, these differences are only found in nonfunctional description material and are not functionally involved in the steps recited. The steps recited in claim 53(the base claim) would be performed the same regardless of the data contents of the sponsor identifier data (i.e. the data recited in claims 53 and 54). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

[claim 82] Tawil discloses a system wherein the sponsor identifier includes a healthcare administration company associated with the user. (Tawil, col. 2, lines 30- col. 3, line 8).

[claim 83] Tawil discloses a method wherein the financial parameter comprises an amount of healthcare benefits available from the healthcare administration company associated with the user, (Tawil, col. 2, lines 55-59; col. 3, lines 4-8—fixed benefit amount).

[claim 84] Tawil discloses a system wherein the sponsor identifier identifies the user. (Tawil, col. 2, lines 30- col. 3, line 8; col. 3, lines 50-65).

[claim 85] Tawil discloses a system wherein the financial parameter comprises an amount of healthcare costs identified by the user, (Tawil, col. 8, lines 24-26) (payment/cost).

[claim 86] Tawil teaches a system wherein the personal data comprises a financial parameter. (col. 2, lines 53-56) Furthermore, Tawil teaches a method wherein the user (i.e. insured and/or insured patient) is seeking price estimates for the cost of healthcare services. (col. 3, lines 57-63) One of the primary purposes of the system and method taught by Tawil is to provide the user with a list of estimated costs of healthcare using specific providers. (col. 4, 55-64)

[claims 87-88] Tawil teaches a system further comprising using a computer system to receive the selection of an anchor provider by a user and wherein a list of providers is provided to the system user (i.e. insured and/or insured patient) based on a selected anchor provider. (col. 3, lines 50-65) A patient (a user of the disclosed system) visits a selected primary physician (i.e. anchor provider) who gives them an initial diagnosis and/or treatment plan. Information regarding the primary physician (his/her

identification) and the suggested user's treatment plan are entered into the system. (col. 3, lines 55-64) Thus, system receives a selection by the user (insured and/or insured patient) of an anchor provider. Based on the treatment plan developed by the primary physician (anchor provider), a list of healthcare providers is generated who can perform the procedures in the treatment plan. (col. 4, lines 21-32) This list is given to the patient (i.e. user) for his/her review. (col. 4, lines 55-58). Furthermore, the treatment plan developed by the anchor provider with suggested procedures and CPT codes is used to generate the provider list. These procedures/diagnoses serve as a predefined criteria associated anchor provider upon which the generated provider list is based.

[claim 89] Tawil teaches the system of providing a healthcare services package further comprising using said computer system to receive a selection of a predefined criteria from the user. (col. 2, lines 53-59; col. 3, lines 3-8; col. 3, lines 23-44; col. 4, lines 21-32) Tawil discloses that teaches that the system database(s) stores information regarding prices, geographic proximity (location), rankings/ratings, hospital affiliation, and provider experience (i.e. time). (col. 2, lines 53-59; col. 3, lines 3-8).

[claim 90-91] Tawil discloses a method further comprising the step of receiving a selection of a predefined criteria from the user wherein the list is provided to the user based on the predefined criteria, (Tawil, col. 2, lines 53-59; col. 3, lines 3-8; col. 4, lines 28-32). Tawil teaches that the information on the database (i.e. the provider list) may be accessed based on the providers' geographic proximity (location/distance) to the user

(i.e. insured/ or insured patient) and based upon the CPT and DRG codes entered for the user's treatment plan (i.e. predefined criteria)

[claim 98] Tawil discloses a system wherein the financial parameter comprises a co-payment amount for each selected provider (Tawil, col. 8, lines 24-26)(disclosing payment which is a financial parameter that includes cost).

[claim 99] Tawil and Campbell disclose the method of claim 77, as explained in the rejection of claim 77. Furthermore, Campbell discloses a system wherein forwarding comprises forwarding information to the user (col. 24, lines 24-67; col. 27, line 23-50). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Tawil with the teaching of Campbell to use a computer to facilitate the plan selection process and to transmit plan service information to the user. As suggested by Campbell, one would have been motivated to do this to provide patients with an interactive, effective method of obtaining affordable healthcare treatment, thereby encouraging them to seek appropriate treatment and resolve health problems early. (col. 1, lines 11-65)

[claim 100] Tawil and Campbell in combination disclose the system of claim 77, as explained in the rejection of claim 77. Furthermore, Tawil discloses teaches a system for providing a user with a healthcare service package, comprising receiving personal information data, wherein personal data comprises a user identifier and a financial

parameter; (col. 2, lines 53-56; col. 3, lines 55-59). Tawil further discloses receiving co-payment information regarding a healthcare provider (col. 8, lines 12-23) Tawil teaches a system including determining a healthcare services package (see Tawil col. 4, lines 55-64; col. 5, lines 16-22), but does not expressly teach receiving a selection from said user of a co-payment for each of healthcare service providers, wherein said healthcare services insurance package and said proposed periodic is determined based upon the selected co-payment.

Campbell discloses a system wherein co-payment information for a healthcare provider is used to help the user select/determine the insurance package and proposed periodic payment. (col. 23, lines 43-col. 25, line 24; Figures 17-19--different plans offer different discounts/copays for the services) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of Campbell to use co-payment information to help the user select/determine the insurance package and proposed periodic payment. As suggested by Campbell, one would have been motivated to do this to provide patients with an interactive, effective method of obtaining affordable healthcare treatment, thereby encouraging them to seek appropriate treatment and resolve health problems early. (col. 1, lines 11-65)

[claim 101] In reference to claim 101, the computer program claim recites substantially the same subject matter of method claim 53 as media comprising program/code to perform the series of steps recited in claim 53. As the method of claim

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53 has been shown to be computer-implemented and obvious over the teachings of the Tawil reference in view of Campbell in the rejection of claim 53 of the present Office Action, it is readily apparent that the method disclosed by Tawil and Campbell in combination is performed using computer program means to implement the functions recited in the method claim (claim 53). As such, these limitations are rejected for the same reasons given in the rejection of method claim 53, and are incorporated herein.

[claims 102-115 and 122-124] The limitations of claims 102-115 and 122-124 are addressed by the rejections of claims 53-67 and 73-76 respectively, and independent claim 101, and incorporated herein.

6. Claims 68-69, 92-93, and 116-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawil, Campbell, and Joao as applied to claims 53, 77, and 101 in further view of DeBruin-Ashton (US Patent No. 6,014,629).

[claim 68] Tawil teaches the method of claim 53 as explained in the rejection of claim 53. Furthermore, Tawil discloses that the system is for use by the insured party, including an insured individual as well as any dependents that are covered by the insured's policy (col. 2, lines 48-50). Tawil also teaches a method wherein the user's (i.e. insured/insured patient) name is associated with the treatment plan and a provider list. (col. 2, lines 53-59; col. 3, lines 53-57) Tawil does not specifically teach that the personal data further comprises identification of a plurality of individuals to be associated with the healthcare services package. DeBruin-Ashton teaches a method of

identifying a plurality of individuals to be associated a healthcare services package. (col. 7, lines 1-15, col. 8, lines 22-35). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of DeBruin-Ashton. One would have been motivated to include this feature so that users (insured and/or insured patient(s)) could save time and avoid the inconvenience of unnecessary trips to a primary provider to receive additional provider lists.

[claim 69] Tawil and Campbell disclose the method of claim 53 as explained in the rejection of claim 53. Tawil does not specifically teach a method wherein a healthcare service panel and package for each a plurality of individuals are selected by the user. DeBruin teaches a method wherein a user may select a healthcare services panel of providers and services for a plurality of individuals. (DeBruin: col. 8, lines 22-35). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Tawil with the teaching of DeBruin. As indicated by Tawil, the disclosed system/method is for use by insured individuals and their dependents. (col. 2, lines 48-50). One would have been motivated to modify the method of Tawil so that an insured (e.g. parent) also could make selections provider/service for their dependents (e.g. children) that comply with financial constraints and personal preferences.

[claims 92-93] In reference to claims 92-93, the limitations of these system claims are substantially the same as their corresponding method claims, claims 68 and 69. As

such, the limitations of claims 92-93 are addressed by the rejections of claims 68 and 69, and independent claim 77, and incorporated herein.

[claims 116-117] In reference to claims 116-117, the limitations of these system claims are substantially the same as their corresponding method claims, claims 68 and 69. As such, the limitations of claims 116-117 are addressed by the rejections of claims 68 and 69, and independent claim 101, and incorporated herein.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues the newly added limitations. A new reference has been applied to address the newly added limitation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sato et al (US 5,911, 687) discloses a system wherein the user selects a virtual network of healthcare providers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, (Christopher) Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L. P./
Examiner, Art Unit 3626

/Robert Morgan/
Primary Examiner, Art Unit 3626